

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

CARLYN M. JOHNSON, et al., )  
                                )  
Plaintiffs,                 )  
                                )  
v.                            )                              Case No. 4:14CV00697 AGF  
                                )  
AT & T CORPORATION,     )  
                                )  
Defendant.                 )

**MEMORANDUM AND ORDER**

This matter is before the Court upon Plaintiffs' Motion for Appointment of Counsel (Doc. No. 31) and for "Explanation and Amendment to Previous Filing," (Doc. No. 34) which the Court will construe as supplement to the motion for appointment of counsel and a re-iteration of Plaintiffs' desire to continue the action in this Court following the denial of their motion to remand.

In a civil matter such as this one, the Court has discretion to appoint an attorney when necessary, but there is no constitutional right to the assistance of counsel in this case. *Lopez-Lopez v. Sanders*, 590 F.3d 905, 906 (8th Cir. 2010); *Morris v. Dormire*, 217 F.3d 556, 558 (8th Cir. 2000). Among the factors the Court considers in deciding whether to appoint counsel are the factual and legal complexity of the case, the ability of the *pro se* party to present both the facts and his legal claims, and the degree to which the *pro se* party and the Court would benefit from such an appointment. See *Morris*, 217 F.3d at 558-59; *Hoggard v. Purkett*, 29 F.3d 469, 471 (8th Cir. 1994).

Reviewing the record, the Court finds that all three of these factors warrant the

appointment of counsel for Plaintiffs in this case. For this reason, the Court will grant motion for appointment of counsel.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiffs' Motion for Appointment of Counsel is **GRANTED**. The Clerk of the Court shall appoint counsel pursuant to the Plan for the Appointment of Pro Bono Counsel. A separate Notice of Appointment of Pro Bono Counsel shall be entered by the Clerk. (Doc. No. 31.)

**IT IS FURTHER ORDERED** that Plaintiffs' motion for "Explanation and Amendment to Previous Filing" is **GRANTED**, to the extent it reflects a desire to withdraw Plaintiffs' prior, alternative request to dismiss the case, and **DENIED** without prejudice to the extent it seeks to amend Plaintiffs' claims. Plaintiffs may seek to amend their claim following the appointment of counsel. (Doc. No. 34.)

*Audrey G. Fleissig*  
AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 8<sup>th</sup> day of July, 2014.